

REMARKS

In the Non-Final Office Action dated August 4, 2009, claims 21-28 are pending. Claims 21-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Yan et al. (U.S. Patent Application Ser. No. 2002/0152116; hereinafter "Yan"). Claims 23 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yan in view of Shurling et al. (U.S. Patent 6,009,415; hereinafter "Shurling"). Claims 24 and 26-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yan as modified by Shurling as applied to claim 23, and further in view of Selgas et al. (U.S. Patent 6,571,290; hereinafter "Selgas"). Claim 21 is being amended. Claims 29-45 are being added. No new matter is being introduced by way of the amendments and the newly filed claims.

Applicant thanks the Examiner for conducting an Examiner Interview on November 11, 2009 in which Applicant and his representative, Gary Solomon, attended via telephone. During the Interview, it was discussed that Yan describes a sweepstakes program that provides a rebate to the winner of debts that are incurred on the credit card at some point in time. It was agreed that Yan does not describe a sweepstakes program in which a cardholder is able to be entered into the sweepstakes multiple times based on multiple, predetermined amounts of debt incurred or paid off.

With regard to the rejection of independent claim 21, Applicant is amending the claim to recite, "for a first predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an a first entry into a sweepstakes on behalf of the authorized user; for a second predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting a second entry into the sweepstakes on behalf of the authorized user."

Yan, by contrast, is directed to a system for dynamically generating and distributing rewards or rebates to a credit cardholder in response to credit card payment transactions initiated by the credit cardholder. (Abstract and para. [0007]) Yan provides for providing "an authorized cardholder of a credit card, who incurs debts on or with the card, with an award (i.e., dynamically generated rebate, fixed rebate) that itself represents an opportunity, *on the basis of the debts incurred with the credit card, to recover at least a portion of the total amount of the incurred debts.*" (para. [0031], emphasis added) Three modes for generating rebate awards are provided by Yan, including (i) "*fixed rebates* for all transactions in a given segment", (ii) "*deep sweepstake rebate* wherein a transaction or an account is dynamically selected for a fixed discount percent" and (iii) "*awarding a dynamic rebate* which may be applied to all or a select number of transactions in a given group or segment where the actual rebate

awarded varies from transaction to transaction or from account to account.” (para. [0031], emphasis added) In all cases of Yan providing an award (i.e., prize) to a cardholder, Yan provides a rebate to the cardholder on the basis of the debts incurred with the credit card.

Yan does not, however, teach or suggest that a cardholder can be entered into the sweepstakes multiple times for multiple, predetermined amounts of debt incurred by the cardholder. More specifically, Yan does not teach or suggest, “for a first predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting ~~an~~ a first entry into a sweepstakes on behalf of the authorized user; for a second predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting a second entry into the sweepstakes on behalf of the authorized user,” as recited in Applicant’s amended claim 21. Because Yan does not teach or suggest Applicant’s amended claimed invention, Applicant respectfully requests that the rejection of independent claim 21 under 35 U.S.C. 102(e) be withdrawn. Claim 22, which depends from independent claim 21, should be allowable for at least the same reasons.

With regard to the rejection of claims 23 and 25, Applicant respectfully traverses the rejection. Shurling is directed to a data processing technique for scoring bank customer relationships and awarding incentive rewards. The relationship scores are based on customer deposit accounts, loan accounts, and customer referrals. (Abstract) Shurling, however, fails to provide for the shortcomings of Yan, as described with regard to claim 21 from which claims 23 and 25 depend. Accordingly, Applicant respectfully requests that the rejection of claims 23 and 25 under 35 U.S.C. 103(a) be withdrawn.

With regard to claims 24 and 26-28, Applicant respectfully traverses the rejection. Selgas is directed to a method for providing fungible intercourse over a network. (Title) The process simplifies the process of access to a network for a roaming computer user by dividing the responsibility of servicing a given user wanting to access the network between multiple parties wanting to access the network. (Abstract) In registering a user, a registration procedure enables the user to enter specific information, including referral information, if available. (Col. 15, lines 58-63). Selgas, however, fails to provide for the shortcomings of Yan (e.g., “for a first predetermined amount of debt incurred ... , the service provider submitting ~~an~~ a first entry into a sweepstakes ...; for a second predetermined amount of debt incurred ... the service provider submitting a second entry into the sweepstakes”), as described with regard to claim 21 from which claims 24 and 26-28

depend. Accordingly, Applicant respectfully requests that the rejection of claims 24 and 26-28 under 35 U.S.C. 103(a) be withdrawn.

New claims 30-45 are being added. Support for the claims may be found at least on page 12, lines 13-22; page 13, lines 6-15; page 20, lines 7-10; page 22, lines 16-19; and page 28, lines 1-6. Claim 30 recites, in part, "[a] method for incentivizing an authorized user of a payment card to use the payment card ... in response to the authorized user winning the sweepstakes, awarding the authorized user a prize that is *unrelated to any historical or future financial transactions* associated with the account associated with the payment card." As stated in the instant Office Action, "[t]he sweepstakes comprise a contest in which a discount is provided on future transactions (this is considered unrelated to debt incurred)." Applicant respectfully submits that the sweepstakes of Yan is limited to providing prizes that are related to debt that has been incurred previously or in the future on a credit card. As such, Yan does not teach or suggest "awarding the authorized user a prize that is *unrelated to any historical or future financial transactions*," as recited in Applicant's claim 30. Because Yan does not teach or suggest every element of Applicant's claim 30, Applicant respectfully requests that claim 30 be found allowable over Yan and all other references of record. Claims 31-45, which depend from independent claim 30, should be allowable for at least the same reasons.

CONCLUSION

In view of the above amendment, Applicant believe the pending application is in condition for allowance.

Applicant believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000128-0006 from which the undersigned is authorized to draw.

Dated: November 24, 2009

Respectfully submitted,

By 

Gary B. Solomon

Registration No.: 44,347

SONNENSCHN NATH & ROSENTHAL LLP

2000 McKinney Ave., Suite 1900

Dallas, Texas 75201

(214) 259-0941

(214) 259-0910 (Fax)

Attorney for Applicants